

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR. ,

Plaintiff,

v.

DANIEL BAYER, JENNIFER ADAMS,
M. MORENO, ROB JACKSON,
CHERYL STRANGE, and JUDGE W.
FLETCHER,

Defendants.

CASE NO. 2:23-cv-772

ORDER OVERRULING PLAINTIFF'S
OBJECTIONS

This matter comes before the Court on Plaintiff John Robert Demos, Jr.'s objections to United States Magistrate Judge Theresa L. Fricke's order transferring his case to the U.S. District Court for the Eastern District of Washington (Dkt. No. 4). Dkt. No. 5.

A district court may reconsider certain pretrial matters "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); *see also* Fed. R. Civ. P. 72(a) (for non-dispositive orders the district judge "must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law."). "A party may serve and

1 file objections to the order within 14 days after being served with a copy.” Fed. R.
2 Civ. P. 72(a).

3 Judge Fricke issued the order transferring Demos’s case on June 27, 2023,
4 and Demos objected on July 11, 2023; therefore, his objections were timely. Demos
5 argues that “prison ‘time’ is property” and that a transfer would deprive him of his
6 time. Demos also “invokes the claim of right doctrine,” and he claims “the U.S.
7 District Court of Spokane . . . has a history of bias, aloofness, prejudice,
8 disengagement, . . . and filibustering, when it comes to Plaintiff Demos.” Dkt. No. 5
9 at 2-3.

10 The Court finds Demos’s objections are conclusory statements that fail to
11 show Judge Fricke’s order is clearly erroneous or contrary to law. He does not show
12 how transfer will unduly delay his case or why the Eastern District is an
13 inappropriate venue. He also fails to rebut Judge Fricke’s conclusion that transfer is
14 appropriate under 28 U.S.C. § 1406.

15 Accordingly, the Court OVERRULES Demos’s objections, and TRANSFERS
16 this case to the United States District Court for the Eastern District of Washington.

17 Dated this 6th day of February, 2024.

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20 Jamal N. Whitehead
21 United States District Judge
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